

MEMORANDUM

Date: November 17, 2005
To: Transfer 72303
From: rwarner
Re: Transfer Comments

This transfer proposes to change the place of use and point of diversion. The original place of use was an abandoned railroad right-of-way that had been treated by an herbicide sterilant making it non-productive. The owner wishes to take the 7.4 acres of water right and move it upon a 12.5-acre parcel on a permissible place of use basis.

Authority to File:

Applicant has provided a copy of a quitclaim deed and a warranty deed for the "from" and "to" locations, respectively. The applicants spouse was added to the water right since her name is reflected upon the warranty deed.

Water Right Validity:

The water right has been decreed in the SRBA.

Injury to Other Water Rights:

Water District 34. Input was petitioned and received from the water master of Water District 34. He did not oppose the transfer. Since the transfer proposed to remove water that otherwise would be part of the Moore diversion, and since the rights original diversion rate was set at a rate in excess of 0.02 cfs per acre, the department calculated a conveyance loss to remain at the old point of diversion (Moore diversion) in the amount of 0.08 cfs. The new diversion proposed to pump water directly from the source and will be limited to 0.02 cfs per acre.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

This transfer appears to not conflict with local public interest. It will be advertised to determine otherwise.

Beneficial Use / Conservation of Water Resources:

Transfer will provide for waters to irrigated lands in a manner consistent with state laws. Transfer limits the diversion rate at the new place of use to 0.02 cfs per acre.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.